

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

UNITED STATES OF AMERICA

v.

Case No. 4:06-CR-0041 (01) GTE

ANTOINE DEMETRIS BAKER

ORDER DENYING MOTION TO QUASH

Before the Court is a Motion to Quash filed by the Defendant Antoine Baker. The United States has responded to the motion. Defendant contends that Counts 7, 8 and 9 of the Superseding Indictment should be dismissed because the “official proceeding” referenced in said counts is a state court proceeding.¹ Defendant contends that a state court proceeding does not qualify as an “official proceeding” within the meaning of 18 U.S.C. § 1515(a)(1)(A), and thus, that no federal offense is charged in said counts.

The Court has considered carefully the respective positions of the parties. For the reasons well stated in the brief of the United States, the Court concludes that Defendant Antoine Baker’s Motion to Quash (Docket No. 60) should be, and it is hereby, DENIED.

IT IS SO ORDERED THIS 31st day of May, 2007.

/s/ Garnett Thomas Eisele
UNITED STATES DISTRICT JUDGE

¹ Count 7 charges Mr. Baker with conspiring to kill a witness to an official proceeding in violation of 18 U.S.C. § 1512(a)(1)(A). Count 8 charges Mr. Baker with aiding and abetting the killing of a witness to an official proceeding in violation of 18 U.S.C. § 1512(c)(2). Count 9 charges Mr. Baker with corruptly attempting to obstruct, influence, and impede an official proceeding in violation of 18 U.S.C. § 1512(c)(2).